

ORIGINAL

EX PARTE OR LATE FILED

Clint Odom
Director
Federal Regulatory



1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2535
Fax 202 336-7922
clint.e.odom@verizon.com

June 11, 2002

RECEIVED

JUN 11 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte

Marlene Dortch
Secretary
Federal Communications Commission
445 12th H Street, SW, Portals
Washington, DC 20554

Re: Application by Verizon New Jersey for Authorization To Provide In-Region, InterLATA Services in State of New Jersey, Docket No. 02-67 - REDACTED

Dear Ms. Dortch:

This letter responds to MetTel's Ex Partes dated June 4 and June 7, 2002 concerning Verizon's OSS. Although many of MetTel's arguments repeat or expand on arguments made by MetTel in its Comments, Reply Comments, and previous ex partes, others are new and MetTel's Ex Partes include new data submitted in this proceeding for the first time. Verizon has not had an opportunity to respond to MetTel's new arguments or data. Moreover, the submission of voluminous new data at this late stage in the proceeding is inappropriate. See Public Notice (Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act), DA 01-734 (March 23, 2001) at 8. As discussed in more detail below, Verizon is continuing to address MetTel's issues on a business-to-business basis. In any event, however, none of MetTel's arguments demonstrate that Verizon fails to provide nondiscriminatory access to its OSS.

As we previously reported, see Letter from Clint Odom to Marlene Dortch, dated May 17, 2002, Verizon has continued working with MetTel on a business-to-business basis to arrive at a mutual understanding of the data and to address MetTel's issues. Since May 17, Verizon and MetTel have held additional executive meetings and telephone conferences on specific issues. The parties met on June 7 to conduct a data reconciliation with respect to the timeliness of confirmations and reject notices, and on June 11 to discuss data concerning PIC change orders. In addition, the ongoing daily working level contacts on specific operational questions have continued.

As we also reported previously, see *id.*, the ongoing business-to-business work has shown that in many instances MetTel's analysis of the data is incorrect or that MetTel simply disagrees with

REDACTED - FOR PUBLIC INSPECTION

No. of Copies rec'd 041
List ABCDE

existing processes or business rules. As we have previously demonstrated, Verizon provides nondiscriminatory, indeed excellent, access to its OSS for CLECs in New Jersey.

Nevertheless, MetTel continues to make unfounded accusations concerning Verizon's OSS based on MetTel's own flawed analyses and unsupported assumptions. MetTel is the only CLEC that has raised these claims in New Jersey, New York, or Pennsylvania.

Usage Analysis

MetTel reiterates its argument that the absence of usage within three days of the "provisioning completion notifier completion date" on a percentage of orders must mean that, for those orders, Verizon failed to complete the migration and the completion notifier is inaccurate. MetTel June 4 Ex Parte at 2, 3. MetTel is wrong. Verizon fundamentally disagrees with MetTel's assumption that a notifier is "false" or "inaccurate" if a line does not generate usage within 3 business days of a migration.

As Verizon has demonstrated before, there are many valid reasons why a line (or multiple lines that were part of the same order) might not have any usage within three days of the order being completed. *See* Verizon Feb. 25 Ex Parte ¶ II.B; McLean/Wierzbicki/Webster/Canny Supp. Decl. ¶¶ 26-32; McLean/Wierzbicki/Webster Supp. Reply Decl. ¶ 26. MetTel has provided no support for its assumption that all lines will always be used to make outgoing calls within three (or more) days of a migration. MetTel also has provided no evidence that the particular lines in its analysis should have had usage within three days (or any other specific number of days) of the migration – for example, MetTel has provided no indication that it contacted its end user customers to find out if they had actually made any outgoing calls on the lines in question in the first three days after migration.

MetTel accuses Verizon of having faked its investigation of approximately 1000 billing telephone numbers for which MetTel submitted trouble tickets in which it claimed that usage was due, but no usage had been received. MetTel June 4 Ex Parte at 2, 3-4. MetTel is wrong. Indeed, as Verizon conducted its investigation of these telephone numbers, it met periodically with MetTel to convey the results of the investigation and to seek MetTel's concurrence that the telephone number had been resolved (and ultimately, that the trouble tickets could be closed). As described in the Supplemental Application and in Verizon's April 15 Ex Parte, in 75 percent of the cases where MetTel had claimed there was no usage, Verizon either found usage¹ and informed MetTel of that fact, or MetTel agreed that no usage was due. McLean/Wierzbicki/Webster Supp. Decl., ¶ 32 and Att. 9; Letter from Clint Odom to William Caton, dated April 15, 2002, at 6 ("April 15 Ex Parte").

As Verizon previously explained, for the remaining 251 telephone numbers submitted by MetTel, Verizon's initial investigation found no usage, but Verizon's investigation also did not

¹ As part of its investigation, Verizon did not determine when usage first occurred on the telephone number in question; merely that usage existed and had been sent to MetTel on the Daily Usage File ("DUF").

find any problem (such as an ordering or repair issue) on the line that could account for the lack of usage. In these cases, Verizon suggested to MetTel that MetTel contact its end user customer to determine if in fact the line was being used to make outbound calls.

McLean/Wierzbicki/Webster Supp. Decl., ¶ 32 and Att. 9; April 15 Ex Parte, at 6.

In the meantime, Verizon continued its own investigation, including having Verizon help desk staff visit actual service locations – an extraordinary step. As previously explained, April 15 Ex Parte, at 6, Verizon noted that ***** of the telephone numbers were for coin (pay phone) accounts recently acquired by MetTel and conducted additional investigation of its own on these numbers. Verizon found that ***** (72 percent) of these telephone numbers were in a seasonal suspend status, and therefore would not generate usage, and ***** (five percent) had been disconnected and also would not generate usage. Verizon selected a sample of 41 of the remaining *****, dispersed throughout the state, and went to the locations to verify the existence of a working phone on the line. Verizon found that

- 28 of the locations had no phone
- 7 had phones, but the phone was not working (for example, the receiver was missing)
- 5 had phones that were not MetTel's
- 1 was a MetTel phone, but had a different telephone number from the one submitted by MetTel on the trouble ticket.

In short, Verizon conducted a thorough investigation of the 1000 telephone numbers submitted by MetTel and worked closely with MetTel to inform it of the results of the investigation throughout the process. Contrary to what MetTel implies, MetTel June 4 Ex Parte at 2, Verizon has not claimed that it never experiences a problem. While Verizon's processes and systems perform at a very high level, Verizon does not represent that the process works perfectly all of the time. For this reason, as previously explained, exception handling is built in to the operational procedures. When exceptions are detected through Verizon's own monitoring or as a result of a CLEC trouble ticket, corrective actions are taken. *See* McLean/Wierzbicki/Webster Supp. Reply Decl. ¶ 21.

Loss of Line Analysis

As MetTel notes, staff expressed doubt that the absence of usage after a migration necessarily indicated a provisioning problem or an inaccurate notifier. *See* MetTel June 4 Ex Parte at 2. At the eleventh hour, therefore, MetTel has submitted a new analysis with data that, according to MetTel, shows it received usage on a line after the effective date of a line loss report indicating that the line no longer belonged to MetTel. *Id.* at 2-3. A line loss report is not the equivalent of a completion notifier, and therefore, MetTel's attempt to make claims about the accuracy of completion notifiers based on its line loss analysis is flawed. Nevertheless, Verizon will review the data submitted by MetTel and, as with the other issues raised by MetTel, will set up a meeting to address this issue with MetTel.

It is noteworthy that MetTel has already tried another tack to bolster its usage analysis. MetTel previously claimed that the inaccuracy of notifiers was demonstrated by the fact that MetTel had

received usage after it suspended a line but before it submitted an order to restore the line. *See* MetTel Goldberg Decl. ¶ 8.C. & Att. 7. In its investigation of MetTel's claim, Verizon found on the vast majority of the lines that MetTel had in fact submitted a subsequent order to restore the line and that the restoral order preceded the date of "first usage" cited by MetTel. McLean/Wierzbicki/Webster Supp. Reply Decl. ¶ 29.

Upon further review of the data it had submitted, MetTel filed an Errata correcting its claims concerning the percentage of "Suspension for Non-Payments [that] did not cease usage after the SNP and prior to the restoration of service" to reduce the percentage from 30.58 percent to 4.40 percent.² As previously explained, Verizon and MetTel then met by conference call to discuss the remaining instances. Verizon determined that in a few instances, a representative had made an error in order processing. In the other instances, either MetTel had attempted to use certain blocking options (inappropriately) to suspend Centrex lines, or usage had occurred when the line was restored as part of the process to migrate a customer back to Verizon. (A parallel situation occurs when a retail customer's service is suspended and a CLEC migrates the customer to the CLEC. Verizon must restore the customer's service in order to perform the migration, and may incur usage if the customer makes calls before the migration.) May 17 Ex Parte at 1-2. There is no indication of any systemic problem with notifier accuracy in MetTel's data.

"Missing Notifier" Trouble Tickets

In its June 7 Ex Parte, MetTel acknowledges that Verizon has resolved over 95 percent of PONs (purchase order numbers) on "missing notifier" trouble tickets in New Jersey in three business days. MetTel June 7 Ex Parte at 1. MetTel claims, however, that Verizon has done so by letting its performance in New York and Pennsylvania slide. *Id.* at 1-2. Again, MetTel is wrong. The New York Public Service Commission has adopted a performance measure – OR-10-1 – for the percent of "PON Exceptions" (PONs on "missing notifier" trouble tickets) resolved in three business days, which Verizon began reporting effective with March performance data. For the months of March and April, Verizon resolved over 98 percent of PON Exception trouble tickets within three business days for all CLECs. For MetTel specifically, Verizon resolved over ***** within three business days over the same time frame. *See* Attachment 1. Clearly, Verizon's performance in New York is very strong. (There is no comparable measurement in Pennsylvania.)

PIC Changes

MetTel accuses Verizon of "avoid[ing] a joint review of MetTel's PIC Change analysis. MetTel June 4 Ex Parte at 4, n. 9. On the contrary, on the evening of June 4 Verizon executives attempted to call MetTel to provide a high level read-out on this issue and to schedule a meeting

² MetTel filed an Errata correcting its Supplemental Brief and Mr. Goldberg's accompanying Declaration, dated April 8, 2002, and several exhibits accompanying its Supplemental Reply Brief.

Ms. Dortch
June 11, 2002
Page 5

for a review of the data. Verizon did talk with MetTel on the morning of June 5, and a meeting was scheduled for June 11.³

MetTel scoffs at the idea that investigating "20 problems" could be time consuming. *Id.* Verizon has previously explained the complex nature of the investigation that had to be conducted. May 17 Ex Parte at 6. In addition, some of the examples provided by MetTel related to migrations from more than a year ago. Data associated with those orders had to be retrieved from archives, which added time to the investigation. It took Verizon approximately five hours to investigate each of the 20 telephone numbers provided by MetTel. In other words, Verizon spent approximately 100 hours over eleven business days (May 17 through June 4) investigating MetTel's sample. That does not include the executive meeting or executive level telephone conferences described above and it does not include the daily working level calls on operational issues. It also does not include the time spent analyzing MetTel's confirmation/reject/notifier timeliness data and preparing for the June 7 meeting on that issue.

In short, Verizon has devoted and continues to devote substantial time, effort, and resources to investigating and addressing MetTel's issues and has found numerous flaws in MetTel's assumptions and analyses. The Wholesale Customer Support organization that is taking the lead in investigating and addressing MetTel's issues (with assistance from subject matter experts in other areas of the business as necessary) is the same Wholesale Customer Support organization that is responsible for providing support, technical assistance, training, CLEC testing support, and change management leadership to all CLECs operating throughout all of Verizon's service areas.

Verizon has demonstrated throughout this proceeding that it provides nondiscriminatory – indeed, excellent – access to its OSS to CLECs in New Jersey. Verizon has also demonstrated that it is provisioning CLEC orders on time and with high quality. MetTel is the only CLEC that has raised these issues, and its flawed analyses do not undercut the proof Verizon has submitted that it provides nondiscriminatory service to CLECs.

This ex parte contains proprietary information and has been redacted. A confidential version is also being filed. The twenty-page limit does not apply as set forth in DA 02-718. If you have any questions, please do not hesitate to call me.

Sincerely,

Clint E. Odum/AB

Attachment

cc: A. Johns
S. Pie

³ Verizon received MetTel's June 4 Ex Parte electronically on June 5 in the afternoon.

ATTACHMENT 1

REDACTED – FOR PUBLIC INSPECTION

New York - Aggregate
% Of PON Exceptions Resolved Within 3 Business Days - (OR-10-01-3000)
Ordering UNE POTS/Special Services
Mar 02 - Apr 02

OR-10-01-3000

CLEC Aggregate
Performance
Observations

Mar-02 Apr-02 Mar-Apr

99.44%	97.62%	98.79%
3412	1890	5302

ATTACHMENT 2

REDACTED – FOR PUBLIC INSPECTION
